

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number Q79492
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number 10/765,133	Filed January 28, 2004
	First Named Inventor Stanislas BOURDEAUT	
	Art Unit 2617	Examiner Christopher M. BRANDT
	<p style="text-align: center;">WASHINGTON OFFICE 23373 CUSTOMER NUMBER</p>	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record.</p> <p>Registration number <u>52,778</u> / <u>Diallo T. Crenshaw 52,778</u> / Signature</p> <p><u>Diallo T. Crenshaw</u> Typed or printed name</p> <p><u>(202) 293-7060</u> Telephone number</p> <p><u>June 22, 2010</u> Date</p>		

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q79492

Stanislas BOURDEAUT

Appln. No.: 10/765,133

Group Art Unit: 2617

Confirmation No.: 3585

Examiner: Christopher M. BRANDT

Filed: January 28, 2004

For: A METHOD OF IMPLEMENTING DIFFERENT TRANSFER MODES A MOBILE
RADIO SYSTEM

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated January 22, 2010, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

Claims 1 and 4-11 are all the claims pending in the present application.

Claims 1, 4 and 6-9 stand rejected under 35 USC §103(a) as allegedly being unpatentable over Hunzinger et al. (US PGPUB 2002/0172192 A1, hereinafter "Hunzinger") in view of Leppisaari et al. (WO 01/20924 A1, hereinafter "Leppisaari"), and further in view of Puharinen (8309700 Advanced Topics in Telecommunications). Claim 5 stands rejected under 35 USC 103(a) as allegedly being unpatentable over Hunzinger in view of Leppisaari, in view of

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Puharin, and further in view of Balachandran et al. (US Patent 6,567,375 B2; hereinafter “Balachandran”). Claims 10 and 11 stand rejected under 35 USC 102(b) as allegedly being anticipated by Leppisaari.

Applicant submits that the prior art does not disclose or suggest *at least*, “a Radio Link Control RLC transmitter receiving acknowledgement/non-acknowledgement ACK/NACK messages transmitted by a RLC receiver, said messages comprising a Start Sequence Number SSN and a Received Block Bitmap RRB; and in a transfer mode corresponding to Enhanced General Packet Radio Service EGPRS, said RLC transmitter taking into account SSN and RRB information transmitted in a non-acknowledged mode,” as recited in independent claim 1.

In the *Response to Arguments* section of the Office Action dated January 22, 2010, the Examiner alleges:

With regard to applicant's argument that Hunzinger and Leppisaari fail to disclose or suggest wherein said transfer modes include the General Packet Radio Service (GPRS) mode and the Enhanced General Packet Radio Service (EGPRS) mode, the examiner respectfully disagrees. Hunzinger teaches different transfer modes when Hunzinger is discussing different data rates (paragraph 109). Leppisaari teaches that the invention is suitable for use in EGPRS (Enhanced GPRS), which is built on GPRS (page 12 lines 36-38). Therefore, Hunzinger and Leppisaari teach that the mode may include the General Packet Radio Service (GPRS) mode and the Enhanced General Packet Radio Service (EGPRS) mode.

With regard to applicant's argument that Leppisaari fails to teach or suggest a start sequence number (SSN) and a received block bitmap (RRB) in acknowledgement/non-acknowledgment (ACK/NACK) messages, the Examiner respectfully disagrees. In previous communications, the examiner states that Leppisaari discloses that the network can receive the packet channel request sent by the wireless terminal, which comprises the bit pattern, where the bit pattern (i.e. 110101) contains the sequence number (in this case 1) and the received block bitmap (page 9 lines 7-29). As noted in the previous Office Action,

this feature is taken directly from the 3GPP Technical Specification TS 44.060, however, Leppisaari also shows this feature with the example given on page 9 lines 7-14 (also see figures 4a and 4b). Therefore, Leppisaari discloses the limitation, "a start sequence number (SSN) and a received block bitmap (RRB) in acknowledgement/non-acknowledgment (ACK/NACK) messages."

In response, Applicants submit that the applied references, including Leppisaari, do not disclose or suggest at least, "a Radio Link Control RLC transmitter receiving acknowledgement/non-acknowledgement ACK/NACK messages transmitted by a RLC receiver, said messages comprising a Start Sequence Number SSN and a Received Block Bitmap RRB; and in a transfer mode corresponding to Enhanced General Packet Radio Service EGPRS, said RLC transmitter taking into account SSN and RRB information transmitted in a non-acknowledged mode," as recited in claim 1. According to Applicants' understanding, Figs. 4A and 4B (on which the Examiner relies) disclose 8 and 11 bit packet channel requests. However, these packet channel requests are not analogous to the claimed acknowledgment/non-acknowledgment messages as set forth in claim 1. An acknowledgement/non-acknowledgement message might be responsive to a packet channel request but clearly is not the same as said packet channel request. Therefore, the Examiner's reliance on Figs. 4A and 4B of Leppisaari as allegedly satisfying claim 1 is misplaced and does not render the claimed invention obvious over the applied references, alone or in combination.

Yet even further, even given the "broadest reasonable interpretation" of the term "ACK (acknowledgement information)", on which the Examiner's interpretation of the applied art seems to be based, Applicant respectfully submits that such interpretation is not acceptable, i.e. the information described in Leppisaari cannot correspond the ACK/NACK messages recited in

the claims, at least based on the following additional reason. Information sent in response to the reception of a resource allocation request as described in Leppisaari cannot correspond to ACK/NACK messages exchanged between a RLC (Radio Link Control) transmitter and a RLC receiver as described in the claims. Information sent in response to the reception of a resource allocation request (as described in Leppisaari) is sent according to MAC protocol, whereas ACK/NACK messages exchanged between a RLC (Radio Link Control) transmitter and a RLC receiver (as stated in the claims) are sent according to the RLC protocol, which is very different from the MAC protocol (see, for example, a disclosure of the distinction between these two protocols at page 3 line 36 to page 4 line 5 of Leppisaari). In particular MAC does not, contrary to RLC protocol, include any ACK/NACK mechanism as described in the claims.

At least based on the foregoing, Applicants submit that independent claim 1 is patentable over the applied references, alone or in combination.

Applicants submit that 4 and 6-9 are patentable at least by virtue of their dependencies from independent claim 1.

Applicants submit that independent claims 10 and 11 are patentable for analogous reasons to those set forth above with respect to claim 1.

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Further, Applicants submit that dependent claim 5 is patentable at least by virtue of its dependency on independent claim 1. Balachandran does not make up for the deficiencies of the other applied references.

Respectfully submitted,

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